

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

S.D.M.

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| U.S. DISTRICT COURT | |
| NORTHERN DISTRICT OF TEXAS | |
| FILED | |
| [REDACTED] | |
| JAN - 2 2006 | |
| CLERK, U.S. DISTRICT COURT | |
| By |  |

MICHAEL L. FOGARTY, et al.,

Plaintiffs,

v.

USA TRUCK, INC., et al.,

Defendants.

Civil Action No. 3:05-CV-1783-M

ORDER

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions and Recommendation of the United States Magistrate Judge dated December 16, 2005, and January 4, 2006, the Court finds that each Finding and Conclusion of the Magistrate Judge is correct and they are accepted as the Findings and Conclusions of the Court.

On December 28, 2005, Plaintiffs filed "Plaintiffs" [sic] Respectfully Ask This Motion For a Leave of Court In This Motion Appealing Magistrate Judge Paul D. Stickney's Order Dismissing Additional Defendants Dated December 16, 2005." Plaintiffs also filed "Plaintiffs' Service To Provide Defendants Adequate and Proper Service" dated December 29, 2005. The Court construed these as objections to the Findings dated December 16, 2005. On January 9, 2006, Plaintiffs filed "Plaintiff's [sic] Verbatim Reply and Written Objections To These

Proposed Conclusions and Recommendations.” On January 11, 2006, Plaintiffs filed “Plaintiff’s [sic] Verbatim Reply and Written Objections To These Proposed Findings, Conclusions, and Recommendations To Dismiss Both Attorney Colecchia & Attorney Levin.”¹ On March 24, 2006, Plaintiffs also filed “Reply To Order.”

In these objections, collectively, Plaintiffs (1) renewed their motion for leave to add additional defendants; (2) requested a change of venue; (3) submitted an Amended Complaint with a request for review by an appellate judge; (4) asked the Court for the “power of subpoena”; (5) requested “time for discovery to gather evidence”; (6) reasserted Levin’s ethical violation and legal malpractice; and (7) requested an evidentiary hearing. Having independently reviewed the objections, the Court finds that none of these objections affect the reasoning of the Magistrate Judge’s Findings dated December 16, 2005, and January 4, 2006.

IT IS, THEREFORE, ORDERED that the Court accepts the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated December 16, 2005, and the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated January 4, 2006.

SO ORDERED this ~~26~~ day of May, 2006.



BARBARA M.G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS

¹ The Court notes that its Judgment of January 6, 2006, dismissed Colecchia for lack of personal jurisdiction. The Court is therefore without jurisdiction to consider any argument as to Colecchia.